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November 15, 2005

VIA HAND DELIVERY

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Marlene H. Dortch, Esquire
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

NOV 15 2005

Federal Communications Commission
Office of SecretaryRe: Notification of Ex Parte Communication
MM Docket No. 05-210

Dear Ms. Dortch:

This is to advise you, in accordance with Section 1.1206 of the FCC's rules, that on November 15, 2005, the members and guests of the Mass Media Practice Committee of the Federal Communications Bar Association (the "Committee") met with Mr. Thomas Nessinger, a member of the staff of the Audio Division of the Commission's Mass Media Bureau, at a Brown Bag Lunch presentation sponsored by the Committee and held at the offices of the National Association of Broadcasters, 1771 N Street, Washington, D.C.

At the Brown Bag Lunch presentation, Mr. Nessinger described the Commission's proposals set forth in its *Notice of Proposed Rule Making* in MB Docket No. 05-210, FCC 05-120, released June 14, 2005. A list of those attending the Brown Bag Luncheon is attached as Attachment A. In a general discussion that followed and was led by Mark Lipp, Esq. of Vinson & Elkins, with Mr. Nessinger present, various attendees made the following comments related to the MB Docket No. 05-210 proposal:

1. That the continuation of the freeze on the filing of allotment proposals while the rule making proceeding is pending warrants expediting the proceeding;
2. That proposals requesting the Commission to effectuate additional substantive policy changes in the rule making proceeding, including changes to the Tuck Policy and changes in policies regarding relocations in the direction of urban areas, could have the effect of prolonging the present freeze and would be more appropriately dealt with in a separate or follow-on proceeding;
3. That the Commission will need to address a present backlog of allotment proceedings before the public could realize the efficiency benefits of any streamlined procedures that might be adopted in the present proceeding;

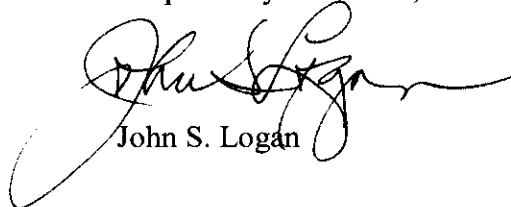
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4. That the present procedural system for allotments is subject to misuse by parties who file for allotments but do not seek to bid on the added channels in auction or to construct them;
5. That the filing of a Form 301 and fee with a rule making proposal would have the advantage of discouraging insincere filers, but would also raise question regarding (a) the payment of fees by parties who might not prevail in an auction and therefore would not benefit from the payment, (b) the nature of the information to be required in a Form 301 application filed in advance of the Commission's action on an allotment, and (c) the effect of major ownership changes or other application acceptability or grantability issues raised in a pre-filed Form 301 on the allotment rule making proceeding to which the application relates;
6. That non-commercial educational stations should be allowed to benefit from proposals for expedited changes in community of license that appear to have been proposed only for commercial radio stations;
7. That a "first-come, first-served" allotment model similar to that used for AM stations could have benefits for the administration of FM allotments and could reduce the delays inherent in permitting counterproposals;
8. That bidding credits in auctions could be used to compensate parties that have outlays for Commission fees in connection with the initial establishment of an allotment;
9. That it may not be essential to have the FM Table of Allotments as a formal part of the Commission's codified rules; and
10. That the Commission should clarify the circumstances under which it would use its authority to elect that, upon the withdrawing of an auction bid, the allotment subject to an auction will be awarded to the second highest bidder.

Please inform me if any questions should arise concerning this notice.

Respectfully submitted,



John S. Logan

JSL/vll

Enclosure

cc: Mr. Thomas Nessinger

Federal Communications Bar Association
Brown-Bag Luncheon Sign-in Sheet
FM Streamlining - Tuesday, November 15, 2005

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Please use additional sheets as necessary and fax all forms to the FCBA, (202) 293-4317, at the conclusion of the meeting. Please also fax any materials that were distributed at the meeting. Thanks.

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FM Streamlining - Tuesday, November 15, 2005

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Name:	Organization:	FCBA Member (Y/N?):	Email:
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